

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 25967

PERMIT 18068

LICENSE \_\_\_\_\_

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. A new development schedule is approved as follows:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 1, 1995 (0000009)

2. Paragraph 10 of this permit is deleted. A new Paragraph 10 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. The continuing authority of the Board also may

be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: SEPTEMBER 10 1985

*Raymond Walsh*

Raymond Walsh, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 18068

Application 25967 of PACIFIC GAS AND ELECTRIC COMPANY

77 BEALE STREET, SAN FRANCISCO, CALIFORNIA 94106

filed on APRIL 9, 1979, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

LITTLE BUTTE CREEK

BUTTE CREEK THENCE

BUTTE SLOUGH THENCE

SACRAMENTO RIVER

2. Location of point of diversion:

	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridan
<u>DIRECT DIVERSION</u>					
<u>N22°35'E, 2935 FEET, FROM SW CORNER OF SECTION 36</u>	<u>SW1/4 OF NW1/4</u>	<u>36</u>	<u>24N</u>	<u>3E</u>	<u>MD</u>
<u>REDIVERSION (BUTTE CREEK)</u>					
<u>S19°30'E, 1900 FEET FROM NW CORNER OF SECTION 10</u>	<u>SW1/4 OF NW1/4</u>	<u>10</u>	<u>23N</u>	<u>3E</u>	<u>MD</u>

County of BUTTE

3. Purpose of use:

4. Place of use:

		Section	Town- ship	Range	Base and Meridan	Acres
<u>POWER</u>	<u>DESABLA POWERHOUSE IN NW1/4 OF NW1/4</u>	<u>10</u>	<u>23N</u>	<u>3E</u>	<u>MD</u>	
	<u>CENTERVILLE POWERHOUSE IN NE1/4 OF SE1/4</u>	<u>5</u>	<u>22N</u>	<u>3E</u>	<u>MD</u>	

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 10 CUBIC FEET PER SECOND TO BE DIVERTED FROM DECEMBER 1 OF EACH YEAR TO JUNE 1 OF THE SUCCEEDING YEAR.

(000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants.

(000006)

7. Complete application of the water to the proposed use shall be made on or before DECEMBER 1, 1984.

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

10. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

(000012)

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(000013)

12. This permit shall not be construed as conferring upon the permittee right of ACCESS TO THE POINT OF DIVERSION.

(000021)

13. THE EQUIVALENT OF THE CONTINUOUS FLOW ALLOWANCE FOR ANY 14-DAY PERIOD MAY BE DIVERTED IN A SHORTER TIME, PROVIDED THERE BE NO INTERFERENCE WITH OTHER VESTED RIGHTS AND INSTREAM BENEFICIAL USES; AND PROVIDED FURTHER THAT ALL TERMS OR CONDITIONS PROTECTING INSTREAM BENEFICIAL USES BE OBSERVED.

(000027)

14. FOR THE PROTECTION OF FISH AND WILDLIFE IN LITTLE BUTTE CREEK, PERMITTEE SHALL DURING THE PERIOD FROM DECEMBER 1 OF EACH YEAR THROUGH JUNE 1 OF THE SUCCEEDING YEAR BYPASS A MINIMUM OF 3 CUBIC FEET PER SECOND. THE TOTAL STREAMFLOW SHALL BE BYPASSED WHENEVER IT IS LESS THAN THE DESIGNATED AMOUNT FOR THAT PERIOD.

(0140060)

15. NO WATER SHALL BE DIVERTED UNDER THIS PERMIT UNTIL PERMITTEE HAS INSTALLED A DEVICE, SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, WHICH IS CAPABLE OF MEASURING THE FLOW REQUIRED BY THE CONDITIONS OF THIS PERMIT. SAID MEASURING DEVICE SHALL BE PROPERLY MAINTAINED.

(0060062)

16. PERMITTEE'S DIVERSION SHALL BE LIMITED TO PERIODS WHEN PARADISE IRRIGATION DISTRICT'S PARADISE AND MAGALIA RESERVOIRS ARE BOTH SPILLING. THIS CONDITION SHALL APPLY TO EXISTING AND FUTURE LEVELS OF THESE RESERVOIRS, UP TO FULL UTILIZATION OF PARADISE IRRIGATION DISTRICT'S PRESENT WATER RIGHTS.

(0000999)

17. WATER DIVERTED UNDER THIS PERMIT IS FOR NONCONSUMPTIVE USES AND IS TO BE RELEASED TO BUTTE CREEK WITHIN NW1/4 OF NW1/4 OF SECTION 10, T23N, R3E, MDB&M AND WITHIN NE1/4 OF SE1/4 OF SECTION 5, T22N, R3E, MDB&M.

(0000111)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: OCTOBER 8 1980

STATE WATER RESOURCES CONTROL BOARD

*Walter G. Peltus*  
CHIEF, DIVISION OF WATER RIGHTS